

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 08/31/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosen et al. (WO 02/0939953).

Regarding claims 1 and 9, Rosen et al. disclose a method and apparatus of communication with a dormant mobile station, the method comprising: paging the dormant mobile station in response to receiving a request from a first mobile station to transmit a message to the dormant mobile station (paragraph [0074]); receiving a page response signal from the dormant mobile station; providing an indication-to-speak to the first mobile station in response to receiving a page-event indication from a mobility data network, the page-event indication being formed by the mobility data network based on the page response signal; and establishing a connection with the dormant mobile

Art Unit: 2618

station in response to receiving the page response signal, the indication-to-speak being provided to the first mobile station concurrently with establishing the connection (paragraphs [0077] and [0121]).

As for claims 2 and 10, Rosen et al. teach wherein paging the dormant mobile station in response to receiving the request from the first mobile station to transmit a message to the dormant mobile station further comprises paging the dormant mobile station in response to receiving a request from the first mobile station to transmit a PoC message to the dormant mobile station (paragraphs [0077] and [0121]).

As for claims 3 and 11, Rosen et al. teach establishing a connection with the dormant mobile station comprises establishing at least one traffic channel to the dormant mobile station, and further comprising: delivering the message over the connection (paragraphs [0077] and [0121]).

As for claims 4 and 12, Rosen et al. teach wherein establishing the connection with the dormant mobile station in response to receiving the page response signal further comprises establishing a plurality of connections with the dormant mobile station in response to receiving the page response signal (paragraphs [0077] and [0121]).

As for claims 5 and 13, Rosen et al. teach wherein paging the dormant mobile station in response to receiving the request from the first mobile station to transmit the message to the dormant mobile station further comprises paging the dormant mobile station in response to receiving a request-to-speak from the first mobile station to transmit a voice message to the dormant mobile station (paragraphs [0074], [0077] and [0121]).

As for claim 6, Rosen et al. teach a method of communicating with a [[wireless unit]] mobile station comprising: delivering a request to transmit a message to the [[wireless unit]] mobile station ; and receiving a page-event indication-to-speak from a mobility data network, the page-event indication being formed by the mobility data network based on the page response signal received from the mobile station ((paragraphs [0074], [0077] and [0121]).

As for claim 7, Rosen et al. teach wherein delivering the request to transmit the message to the mobile station further comprises delivering a request to transmit a PoC message to a mobile station (paragraphs [0074]-[0077] and [0121]).

As for claim 8, Rosen et al. teach wherein delivering the request to transmit the message to the mobile station further comprises delivering a request-to-speak to a mobile station (paragraphs [0077] and [0121]).

### ***Response to Arguments***

Applicant's arguments filed 09/08/2009 have been fully considered but they are not persuasive.

Applicant argues that Rosen et al. fail to disclose a confirmed indication-to-speak communication system. Examiner, however, does not agree with the Applicant. Applicant's attention is directed to Rosen et al. (paragraphs [0074], [0077], and [0121]) which clearly disclose the first mobile station (talker mobile station) issuing a service request after the first station has received a response.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

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/Quochien B Vuong/  
Primary Examiner, Art Unit 2618